



1997 SENATE BILL 383

December 17, 1997 - Introduced by Senators DARLING, WEEDEN, FARROW, HUELSMAN, WELCH and ROESSLER, cosponsored by Representatives OLSEN, UNDERHEIM, DUFF, GARD, ALBERS, OTT, AINSWORTH, JOHNSRUD, GROTHMAN, OWENS, BRANDEMUEHL, WALKER, LADWIG, VRAKAS and JESKEWITZ. Referred to Committee on Education.

1 **AN ACT to repeal** 118.40 (3) (d) and 118.40 (7) (a); and **to amend** 116.032 (1),
2 116.08 (4), 118.40 (1m) (b) 7., 118.40 (2m) (a) and 118.40 (3) (c) of the statutes;
3 **relating to:** charter schools.

Analysis by the Legislative Reference Bureau

Under current law, a charter school is exempt from most laws governing public schools. A charter school may be established by filing a petition with a school district requesting the school board to enter into a contract with an individual or group to establish and operate a charter school or by a school board's initiating such a contract. A school board may not enter into a contract for the establishment of a charter school outside the school district unless 2 or more school boards enter into such an agreement, in which case the charter school must be located in one of the school districts. In addition, current law authorizes 3 Milwaukee entities, the city of Milwaukee, the University of Wisconsin-Milwaukee (UW-Milwaukee) and the Milwaukee Area Technical College (MATC), to initiate a contract with an individual or group to operate a school as a charter school or to establish and independently operate charter schools. This bill authorizes a school board to contract with an individual, partnership, association or politic or corporate body to operate a school as a charter school. The bill also provides that if, one or more school boards contracts with the board of control of a cooperative educational service agency (CESA) to operate a charter school, the charter school must be located within the CESA.

Current law generally provides that a charter school is an instrumentality of the school district in which it is located, and the school board of that school district

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must employ all personnel for the charter school. If a charter school is established by Milwaukee Public Schools (MPS) initiative, the MPS board must determine whether the charter school is an instrumentality of MPS. If the MPS board determines that the charter school is an instrumentality of MPS, then the MPS board must employ all personnel for the charter school; if the MPS board determines that the charter school is not an instrumentality of MPS, then the MPS board may not hire any personnel for the charter school. If the city of Milwaukee contracts with an individual or group operating for profit to operate a school as a charter school, that charter school is an instrumentality of MPS and MPS must hire all personnel for the charter schools. Any other charter school established by one of the Milwaukee entities or a private school located in MPS that is converted to a charter school is not an instrumentality of MPS, and the MPS board may not hire any personnel for that charter school.

This bill repeals the “instrumentality” provision that pertains to charter schools that are not located in MPS.

Current law prohibits a school board, other than the MPS board, from entering into a contract that would result in the conversion of a private school to a charter school. This bill prohibits any school board, other than the MPS board, from entering into a contract that would result in the conversion of a private, sectarian school to a charter school.

Current law requires school boards and the Milwaukee entities to give preference in awarding contracts for operating charter schools to those charter schools that serve children at risk. This bill eliminates this requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 116.032 (1) of the statutes is amended to read:

2 116.032 (1) Subject to subs. (2) to (5), for the purpose of providing services to
3 pupils a board of control may contract with school districts, University of Wisconsin
4 System institutions and centers, technical college district boards, private schools,
5 and agencies or organizations that provide services to pupils. A board of control may
6 also contract with one or more school boards to operate a charter school under s.
7 118.40 (3) (c).

8 **SECTION 2.** 116.08 (4) of the statutes is amended to read:

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1 116.08 (4) ~~Whenever~~ Except for the operation of a charter school under s.
2 118.40 (3) (c), whenever an agency performs any service or function under chs. 115
3 to 121 by contract with a county board or any agency thereof, with a school board or
4 with a county handicapped children's education board, the contract may authorize
5 the agency to make claim for and receive the state aid for performing the service or
6 function. The agency shall transmit a certified copy of the contract containing the
7 authority to collect state aid to the department. When an agency receives the state
8 aid, it shall pay over or credit the amount of state aid received to the proper county
9 or agency thereof, school district or county handicapped children's education board
10 for which the service or function was performed according to the contract therefor.

11 **SECTION 3.** 118.40 (1m) (b) 7. of the statutes, as affected by 1997 Wisconsin Act
12 27, is amended to read:

13 118.40 (1m) (b) 7. Subject to sub. (7) ~~(a) and~~ (am) and ss. 118.19 (1) and 121.02
14 (1) (a) 2., the qualifications that must be met by the individuals to be employed in the
15 school.

16 **SECTION 4.** 118.40 (2m) (a) of the statutes is amended to read:

17 118.40 (2m) (a) A school board may on its own initiative contract with an
18 individual or group a person to operate a school as a charter school. The contract
19 shall include all of the provisions specified under sub. (1m) (b) and may include other
20 provisions agreed to by the parties.

21 **SECTION 5.** 118.40 (3) (c) of the statutes is amended to read:

22 118.40 (3) (c) A school board may not enter into a contract for the establishment
23 of a charter school located outside the school district, except that if 2 or more school
24 boards enter into an agreement under s. 66.30 to establish a charter school, the
25 charter school shall be located within one of the school districts, and if one or more

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1 school boards enter into an agreement with the board of control of a cooperative
2 educational service agency to establish a charter school, the charter school shall be
3 located within the boundaries of the cooperative educational service agency. A school
4 board, other than the school board of the school district operating under ch. 119, may
5 not enter into a contract that would result in the conversion of a private, sectarian
6 school to a charter school.

7 **SECTION 6.** 118.40 (3) (d) of the statutes, as affected by 1997 Wisconsin Act 27,
8 is repealed.

9 **SECTION 7.** 118.40 (7) (a) of the statutes, as affected by 1997 Wisconsin Act 27,
10 is repealed.

11 **SECTION 8. Initial applicability.**

12 (1) The treatment of section 118.40 (7) (a) of the statutes first applies to the legal
13 status of charter schools that are established on the effective date of this subsection.

14 (END)